

REMARKS

Claims 1-17 were pending prior to filing this Response. Claims 3, 9 and 13 are being amended herein. Claim 16 is being canceled. Claims 18 and 19 are being added. Therefore, claims 1-15 and 17-19 remain for consideration.

Applicants hereby elect with traverse to pursue in this application the species of Figs. 10 and 11 as categorized by the Examiner and directed to independent claim 2. Moreover, the elected species also covers claims 3-9, 13-15 and 17 because these claims as amended herein each ultimately depend from elected claim 2.

It is not clear how Applicants are to elect a sub-species since the Examiner has not completely defined what she considers to be the list of sub-species from which to select. The Examiner has merely mentioned two examples of what she considers to be sub-species. However, until such clarification be made, Applicants in the interim elect to pursue a sub-species covering claim 3 directed to a device configured for the production of metal covers with tear-off foils and at least one of the processing stations being a stamping processing station with an upper work tool and a lower work tool for the stamping of a hole. The elected sub-species also covers claims 4-8 which each ultimately depend from elected claim 3.

The requirement for electing a species and sub-species is being traversed because it is our opinion that claims 1 and 2 are the same species (and thus Figs. 10, 11 and 12 are the same species). Figs. 10 and 11 illustrates a processing device including a plurality of units which are functionally separate from one another. Each of the units has an upper work tool and a lower work tool. Likewise, Fig. 12 illustrates a processing device including a plurality of units which are functionally separate from each other. Each of the units also has an upper work tool and a lower work tool. The mere difference between the device of Figs. 10

and 11 and the device of Fig. 12 is that the units of Figs. 10 and 11 are structurally separate units, whereas the units of Fig. 12 have groups of working tools and partly share the same structure even though the units are functionally separate. Merely separating or combining structure supporting the upper and lower work tools should not rise to a degree of distinction requiring different species classification. Therefore, Applicants respectfully request the Examiner to allow for examination in the present application claims reading on the device shown in Fig. 12 including claim 1 and the claims which ultimately dependent from claim 1 (i.e., claims 10-12).

New claim 18 is being added herein to include the limitations of elected claim 2 and claims 13 and 17. New claim 19 is being added to include the limitations of claim 1 (which Applicants argue above is directed to the same species of elected claim 2) and claims 3 and 13.

Application Serial No.: 10/556,660
Restriction Requirement dated: July 17, 2008
Response to Restriction Requirement dated: September 12, 2008

Applicants hereby petition for a one-month extension of time to file this Response. Attorneys for Applicants hereby authorize the Commissioner to charge the amount of \$120.00 to our Deposit Account No. 13-0235 to cover the fee for one-month. Attorneys for Applicants also authorize the Commissioner to charge the amount of \$210.00 to our Deposit Account No. 13-0235 to cover the fee for adding an independent claim in excess of three. No additional fees or deficiencies in fees are believed to be owed. However, authorization is hereby given to charge our Deposit Account No. 13-0235 in the event any such fees are owed.

Respectfully submitted,

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